

3 FAM 4340 REPRIMAND

3 FAM 4341 PROPOSING OFFICIAL

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

The following individuals may propose to reprimand an employee:

| Agency | Proposing Official |
|---------------|--|
| State | Director, Office of Employee Relations or designee; |
| USAID | Chief, Personnel Operations Division (M/HR/POD) or Chief, Executive Management Division (M/HR/EM), or Inspector General (for OIG employees); |
| USIA | Director, Office of Human Resources (M/HR) or Director, Office of Personnel and Administration, B/PA) |
| Agriculture | FAS: First Line Supervisor APHIS: Deputy Administrator, International Services (IS); Associate Deputy Administrator; Assistant Deputy Administrator; Regional Directors; Director, Operational Support; Area Directors; Supervisors of affected employees; Director, Human Resources; Chief, Employee and Management Relations |
| Commerce | Director, Office of Foreign Service Personnel |

3 FAM 4342 DECIDING OFFICIAL

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

- a. The next higher official to the official who proposes to reprimand normally makes the decision to reprimand.
- b. An agency delegation of authority, however, may specify different or additional deciding officials.
- c. In addition, a deciding official described in section 3 FAM 4352 and 3 FAM 4368 may be a deciding official for a reprimand if he/she determines that a reprimand is appropriate as a lesser disciplinary action.

3 FAM 4343 PROPOSING REPRIMAND

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

If, after consideration of the report of inquiry or investigation and the factors specified in 3 FAM 4324.3 , the proposing official decides to propose a reprimand, he/she shall notify the employee in writing:

- (1) Of the specific reasons for the proposal to reprimand;
- (2) That the employee may respond orally and/or in writing, and may submit affidavits and/or other written statements in support of that response;
- (3) Of the name of the deciding official to whom the employee may respond;
- (4) That the employee's response will be fully considered by the deciding official;
- (5) That the employee may have a representative of the employee's choosing (see 3 FAM 4325);
- (6) Of any decision to exclude the employee from Department premises during the notice period (see 3 FAM 4323);
- (7) That the employee shall be granted a reasonable amount of official time to:
 - Review the material relied on in proposing the action; and
 - Prepare a response to the notice; and
- (8) That the employee shall acknowledge receipt of the notice of proposed reprimand as instructed in the notice.

3 FAM 4344 EMPLOYEE'S RESPONSE

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

- a. An employee abroad has 30 days from receipt of the proposal to reprimand to respond in writing and/or orally to the deciding official.
- b. An employees in the United States has 15 days from receipt of the proposal to reprimand to respond in writing and/or orally to the deciding official.
- c. The employee may submit a written request for an extension of the response deadline, and the deciding official will approve the request if it is reasonable.

3 FAM 4345 ACTION BY THE DECIDING OFFICIAL

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

- a. After reviewing the proposal to reprimand and the employee's response, if any, the deciding official will decide to:
 - Withdraw the charges and close the case; or
 - Admonish the employee; or
 - Reprimand the employee.
- b. The deciding official will notify the employee of the decision. If the decision is to reprimand, the letter of reprimand shall:
 - Include the specific reasons in the notice of proposed reprimand that have been sustained;
 - Advise the employee that the record copy of the letter of reprimand will be made a part of the employee's Performance File for a specific time period, which will be no less than 12 and no more than 24 months, subject to the conditions in 3 FAM 4345 d and e; and
 - Make specific reference to the employee's right to file a grievance under section 1101 of the Act and 3 FAM 4400 .
- c. The disposition of records will be as follows:

(1) The deciding official will forward:

— The record copy of the decision letter for inclusion in the Performance Folder; and

— The record on which the decision was based to:

| Agency | Office |
|-------------|---|
| State | Director, Office of Employee Relations (PER/ER) |
| USAID | Chief, Personnel Operations Division (M/HR/POD) |
| USIA | Chief, Labor, Policies, and Benefits Division (M/HRL) or Chief, Labor and Employee Relations Division (B/PA/PL) |
| Agriculture | Foreign Agriculture Service - Director, Human Resources Division, Farm Service Agency APHIS - Resource Management Staff, IS |
| Commerce | Director, Office of Foreign Service Personnel |

(2) In the case of an employee assigned abroad, the decision letter will not be placed in the employee's Performance File until 30 days after the receipt of the letter by the employee.

(3) In the case of an employee assigned in the United States, the letter will not be placed in the employee's Performance File until 15 days after the receipt of the letter by the employee.

d. When the period of retention of the decision letter in the Performance File is less than 24 months, the decision letter will not be removed until the file has been reviewed by one selection or tenure board.

e. When the period of retention is 24 months, the letter will not be removed until the file has been reviewed by two selection and/or tenure boards.

f. The employee should follow up to ensure timely removal of the decision letter from the Performance File.

3 FAM 4346 THROUGH 4349 UNASSIGNED

